



## **Public Hearing Item 4: Conditional Use Permit**

Planning & Zoning Committee • May 6, 2025

- Proposed Use:** Commercial boarding kennel
- Applicable Section(s):** 12.115.02; Table 12.115.02(1); 12.125.16
- Zoning District(s):** C-1 Light Commercial
- Property Owner(s):** Yates, James, III; Swartzbaugh, Paige Louise
- Applicant(s):** Yates, James, III; Swartzbaugh, Paige Louise
- Property Location:** Located in the Northeast Quarter of the Northeast Quarter of Section 30, Town 11 North, Range 12 East
- Town:** Fountain Prairie
- Parcel(s) Affected:** 592
- Site Address:** N3233 Seier Road

### **Background:**

James Yates III and Paige Louise Swartzbaugh, owners, request the Planning and Zoning Committee review and approve a Conditional Use Permit for a commercial boarding kennel on the aforementioned property. The property owners currently operate The Dog Zone, a dog grooming and training facility, on the property. The current operations are considered permitted uses within the C-1 Light Commercial district, regarding the potential to add boarding services to the business. The property is zoned C-1 Light Commercial and planned for Agricultural or Open Space land use on the Future Land Use map. Parcel 592 is listed as Lot 1 of Certified Survey Map 355 and is 2.46 acres in size. The property fronts on Seier Road. There is an existing house and detached garage on the property, as well as the commercial building used for The Dog Zone. Animal services, including grooming and training are a permitted use within the C-1 Light Commercial district. Commercial boarding requires a Conditional Use Permit (CUP) in this district. The existing home on the property is a long-term rental and is considered an automatic CUP for a single-family home in the C-1 district due to age of the home and its continued tenancy. The septic system on the property serving The Dog Zone was installed in 1977 and will be due for pumping later this year. There are no steep slopes, wetland or floodplain on the property.

. Land use and zoning of adjacent properties is below.

### **Adjacent Land Uses and Zoning**

<b>Direction</b>	<b>General Land Use</b>	<b>Zoning</b>
<b>North</b>	Agriculture and Single-Family Residence	A-1 Agriculture
<b>East</b>	Agricultural Business	A-1 Agriculture
<b>South</b>	Agriculture	A-1 Agriculture
<b>West</b>	Agriculture and Single-Family Residence	A-1 Agriculture

### **Analysis:**

The property owner is proposing to add dog daycare and boarding services to their existing business. Grooming and training services are a permitted use within the C-1 district; however, boarding requires a Conditional Use Permit. The Dog Zone currently operates grooming between 8:00 and 5:00, and training is by appointment only. The proposed dog daycare will be 7:00 am to 6:00 pm. Drop off times will be 7:00-9:00 am and 12:00-12:30 pm with pickup between 4:00 and 6:00 pm. Boarding drop off and pick up will occur by appointment only. The

owners anticipate 5 to 10 employees, as needs will vary depending on the number of dogs in care. The facility will have one large indoor playroom, two smaller indoor playrooms, and a large, fenced, outdoor area. Private runs will be available for boarding, with 24-hour on site care and camera access for clients. Both boarding dogs and dogs in daycare will have access to the playrooms and outdoor areas. The outdoor area will consist of half astroturf and half pea gravel and will be cleaned daily. The dogs will only be permitted outside if they are within the fenced enclosure or leashed during pick-up and drop-off. The dogs will always be supervised. Planned capacity for the dog daycare will be 20-30 dogs, while boarding capacity will be 10. Five parking stalls (numbered 1-5) will be available for clients in the front of the building. Another five sites (numbered 6-10 on the site plan) parking stalls will be available specifically for employees along the southern end of the paved area.

**Town Board Action:**

The Fountain Prairie Town Board met on March 12, 2025 and recommended approval of the Conditional Use Permit with conditions.

**Standards for Review:**

The proposed use complies with the General Criteria of Section 12.150.07(4) of the Columbia County Zoning Ordinance. See Attachment A for more details.

**Recommendation:**

Staff recommends approval of the Conditional Use Permit for a commercial boarding kennel, subject to the adoption of the following recommended Findings, Conclusions, and Conditions.

**Recommended Findings of Fact:**

1. Upon review of the guidelines in Section 12.150.07(4) of the Columbia County Zoning Ordinance, and with the explanation of the criteria in Attachment A of the Staff Report, the Committee finds the following:
  - a. James Yates III and Paige Louise Swartzbaugh are the owners of the subject property.
  - b. James Yates III and Paige Louise Swartzbaugh are the applicants for a Conditional Use Permit.
  - c. The property owners operate The Dog Zone, a dog grooming and training facility, on the property.
  - d. James Yates III and Paige Louise Swartzbaugh are requesting a Conditional Use Permit to operate a commercial boarding kennel within the C-1 Light Commercial zoning district.
  - e. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
  - f. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
  - g. The erosion potential of the site, based on topography, drainage, slope, soil type, and vegetative cover is minimal.
  - h. There is no existing or anticipated water pollution including sedimentation, and no impacts on floodplain and wetlands.
  - i. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
  - j. The Conditional Use shall conform to the standards of the applicable district(s) in which it is located.

**Recommended Conclusions of Law:**

1. The subject property is located in the Town of Fountain Prairie and is zoned C-1 Light Commercial.
2. A commercial boarding kennel is a conditional use within the C-1 Light Commercial zoning district.
3. The proposed use is consistent with the purpose and intent of the Columbia County Zoning Ordinance.
4. James Yates III and Paige Louise Swartzbaugh are the petitioners for a Conditional Use Permit. The petition followed the procedures of Section 12.150.07(3) of the Columbia County Zoning Ordinance.
5. The petitioners are proposing to operate a commercial boarding kennel on the property, which is allowed as a Conditional Use under Table 12.115.02(1).
6. The Fountain Prairie Town Board has reviewed and recommended approval of the Conditional Use Permit, with conditions, in accordance with Section 12.150.07 of the Columbia County Zoning Ordinance.

7. The Columbia County Planning and Zoning Committee has the authority under Sections 12.150.03(2)(b) and 12.150.07 of the Columbia County Zoning Ordinance to conduct public hearings, review, and decide on requests for Conditional Use Permits.

**Recommended Conditions for the Decision:**

1. Fencing shall be installed around the perimeter of the outdoor dog play area, and astroturf and pea gravel shall be installed within the play area. The astroturf and pea gravel shall be cleaned on a daily basis with safe products to ensure no negative runoff to the surrounding farmland.
2. Dogs shall be permitted outdoors only in the fenced area. Dogs shall remain monitored at all times when outdoors and shall not be left unattended or unsupervised.
3. Hours of operation shall be 7:00 am to 6:00 pm daily. Training may occur outside of these hours, by appointment only.
4. The use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
5. All dogs on the premises shall be current on licenses.
6. Waste shall be properly disposed of in the dumpster on site and removed from site regularly.
7. There shall be no more than 10 persons employed.
8. Excessive barking, cries, howling, or other noise shall result in the permit being reviewed and subject to revision or revocation. Excessive barking, cries, howling or other noise includes, but is not limited to, the creation of any noise by a dog, dogs, or puppies which can be heard at a property line by any person, including an enforcement officer, which noise occurs continuously or incessantly for a period of 10 minutes, or intermittently for 30 minutes or more, at any time, day or night. A dog or dogs shall not be deemed to be barking if at the time a dog is barking or making other noise, a person is trespassing or threatening to trespass upon the private property upon where the kennel is situated or when the dog or dogs are being teased or provoked.
9. Signage shall comply with Section 12.145 of the Columbia County Zoning Code.
10. There shall be strict observance of all sanitation and animal cruelty rules, regulations or laws of the Town, County, and State of Wisconsin.
11. All lighting for the facility shall be oriented so that the lighting elements (or transparent shield) are not visible from an adjacent property or right-of-way. The use of shielded luminaries and careful placement of fixtures is encouraged to facilitate compliance with this requirement.
12. The owner and operator shall comply with and obtain all necessary permits required by applicable federal, state, and local regulations.
13. The Planning and Zoning Department shall have the right of inspection for the purpose of determining compliance with this permit during normal working hours or upon reasonable notice outside of normal hours.
14. If the Planning and Zoning Committee finds that the review criteria of Subsection 12.150.07(4) of the Columbia County Zoning Ordinance, or the conditions stipulated in the Committee Decision are not being complied with, the Planning and Zoning Committee, after a public hearing, may revoke the Conditional Use Permit.
15. Any agreement(s) or condition(s) pertaining to this Conditional Use Permit between the Town of Fountain Prairie and James Yates III and Paige Louise Swartzbaugh are hereby incorporated as part of this Conditional Use Permit; however, the County is not responsible for enforcing said agreement(s) or condition(s), unless an individual point of the agreement(s) or condition(s) is specifically included above as a condition of approval. Any additional Town agreements or conditions are listed below. In the event that the Town submits a finding of noncompliance with any of the item(s) listed below, for which the County has not assumed direct enforcement authority, upon written request by the Town, the County reserves the right to review the Conditional Use Permit.



**Section 12.150.07(4): Criteria for review of all Conditional Uses**

**Re: Public Hearing Item 4: Swartzbaugh-Yates CUP**

*\*Staff comments are italicized after each review item.*

Review Criteria. In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making a decision.

- (1) The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands. *The proposed commercial boarding kennel will be an extension of the existing grooming and training services that business on site, The Dog Zone, operates. The conditions of approval will help ensure that the use will not be detrimental to surrounding lands.*
- (2) The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area. *There will be no change to the physical character of the area and the proposed use is similar in nature to the existing business operations; therefore, changes to the area should not impair or diminish the use, value or enjoyment of the area.*
- (3) The erosion potential of site based on topography, drainage, slope, soil type, and vegetative cover. *The development is existing; therefore, the potential for erosion is limited.*
- (4) The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands. *The site is already developed. There is no mapped floodplain or wetland on the property.*
- (5) The site has adequate utilities, including if necessary acceptable disposal systems. *There is an existing private septic system on site serving the use.*
- (6) Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow. *Ingress and egress to the site is from an existing driveway on Seier Road. The level of activity from the proposed use is minimal and will not create congestion or affect traffic flow.*
- (7) The Conditional Use shall conform with the standards of the applicable district(s) in which it is located. *The proposed temporary use must comply with the conditions of approval as well as the standards set forth within the Columbia County Zoning Code.*



